
Appeal Decision

Site visit made on 5 November 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/A5270/D/19/3229194
308 Allenby Road, Southall UB1 2HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sulayman Yunes against the decision of the Council of the London Borough of Ealing.
 - The application Ref 190615HH, dated 8 January 2019, was refused by notice dated 16 April 2019.
 - The development proposed is a vehicle crossover.
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Decision

1. The appeal is allowed and planning permission granted for a vehicle crossover at 308 Allenby Road, Southall UB1 2HP in accordance with the terms of the application, Ref 190615HH, dated 8 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Photo titled House 1' no drawing number; and 'Photo titled Multiple' no drawing number.

Procedural Matters

2. Whilst the appellant appears to have suggested alternatives in the 'Description of Proposed Works' on the planning application form, I have based my decision on the photograph which shows the proposed 2.4 metres wide vehicle crossover. This is in fact what was considered by the Council when it refused planning permission. In the banner heading above I have taken the description of development from the Council's refusal notice and not from the appellant's planning application form.
3. At the time of my site visit I saw that the front boundary wall, as shown on the appellant's submitted plans, was not present. The Council have been given the opportunity to comment and confirmed that the appeal site is not located within a Conservation Area subject to an Article 4 direction and the front boundary wall could be demolished without planning permission. Thus, the situation at the site differs to when the Council determined the planning application. I have taken this into account in the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site is located on the east side of Allenby Road in a predominantly residential area. There is a mature tree positioned on the pavement immediately adjacent to the kerb in front of the site. The proposed vehicle crossover would have a width of 2.4 metres and be positioned to the north of the tree. In their refusal notice the Council has cited that the proposed vehicle crossover, due to its location directly in front of the main entrance to the dwelling, would unacceptably prejudice the safety of highway users because it would compromise a safe escape route, or access for emergency services, to and from the property at all times. It is evident from reading the Council's officer report that this relates to ensuring that there is a path of at least 1.2 metres wide from the public footway to the front door of the dwelling when a car is parked in the front garden; thereby ensuring that the proposal complies with guidance contained within section 7 of the Council's Vehicle Crossovers Application pack for residents (2013) (VCAP).
6. At the time the Council determined the planning application there was a front boundary wall at the site. Accordingly, I acknowledge that, taking into account the position of the proposed vehicle crossover and the physical constraint of the front boundary wall, a car parked in the space in front of the property would encroach upon the path from the front door of the dwelling to the public footpath. The proposal therefore, at the time the Council determined the application, would have been in conflict with guidance contained within the Council's VCAP.
7. At the time of my site visit, I observed that there are a number of other properties in the vicinity of the appeal site with similar sized front gardens to the appeal site; I also saw cars parked in some of these front gardens. Thus, in my view, taking into account the size of the front garden at the site, it would be possible to park a car in the front garden more or less parallel to the front elevation of the property. Indeed, I note that there is no dispute between the main parties that the size of the front garden would not be adequate to park a car.
8. As noted above, at the time of my site visit the front boundary wall was not present. As such, by virtue of the open frontage of the site, I consider it would be possible to park a car in the front garden, in the space between the front elevation of the dwelling and the pavement, without obstructing a path of at least 1.2 metres wide from the public footpath to the front door.
9. For the reasons outlined above, I consider that the proposed vehicle crossover would not unacceptably prejudice the safety of highway users. Accordingly, the proposed development would accord with section 7 of the Council's VCAP and Policy 6.3 of the London Plan which, amongst other things, seek to ensure that there is a safe escape route or access for emergency services is maintained to/from a building at all times and proposals do not adversely affect highway safety.

Conditions

10. Planning permission is granted subject to the standard three-year time limit condition. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty.

Conclusion

11. For the reasons set out above I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR